

Regular Meeting of the Five Lakes Association Board of Directors
June 11, 2012

A regular meeting of the Board of Directors of the Five Lakes Association was held at the Grant Township Hall, 3022 E. Surrey Rd., Clare, MI on June 11, 2012. The meeting was called to order by President Dave Southworth at 6:05 p.m. The Pledge of Allegiance was recited.

Roll call was taken:

Board members present: President Dave Southworth, Vice-President Cory Gingery, Treasurer Steve Cohoon, Secretary Chris Butche and Area Representatives, Bob Chamberlain, Dick Haynack, Frank Oles, Tim O'Neal and Ralph Greenfield.

Board members absent: none

Association members present: Carolyn and Larry Harp, Roger Brokob, Don Dysinger, Vito Marinello, Dan Connelly, Meg Miller, Mike Vitale, Oscar Dedeckere, Russell Heckman, John Zoomer, Len and Karen Wittich, and Tina McCormick

Minutes: Minutes from the May 7th regular board meeting, and the special board meetings of May 9th and 17th were distributed prior to the meeting. There were no corrections to the minutes. Dick Haynack motioned and Tim O'Neal seconded to approve the May 7th minutes. Motion carried 9 Yes, 0 No. Steve Cohoon motioned and Tim O'Neal seconded to approve the May 9th minutes. Motion carried 9 Yes, 0 No. Frank Oles motioned and Steve Cohoon seconded to approve the May 17th minutes. Motion carried 9 Yes, 0 No.

Treasurer's Report: Steve reported the Association has received \$20,481.50 for the Water Quality Fund and have collected \$4760 in 2012-2013 Dues. Steve motioned to utilize the \$10,800 weed control money and money from unused general fund items (north end silt trap, Picnic area/silt trap, and beach buoys) to pay the weed treatment invoices. Dick Haynack seconded, motion passes 9 Yes, 0 No.

Presidents Report:

- Dave commented on an article written by Sherry Welch regarding Great Lake invasive species in Cranes Detroit Business. He e-mailed Ms. Welch complementing her writing but suggesting she was missing information from the 20,000 Michigan inland lakes. She asked Dave to write a letter to the editor, which he did, and it was published in the June 4th issue. In the letter he noted the Association quest for grants to support lake health. He has received 3 phone calls to date regarding the article. Dave stated the problem with receiving grants is our non-profit classification. We are a regular Michigan non-profit, in order to receive grants, we would need to be a 5013C which is federally regulated. Dave is researching for additional information on 5013C's.
- Dave read a draft of an e-mail which will be sent out to membership updating them on the status of the lake treatment (appendix a). Chris suggested since many of our members don't have an e-mail on file, we will put the document on the web site and post signs at the entrances to the Association to check the web site for lake updates.
 - Group Discussion included:
 - Dan Dysinger asked Dave to clarify the time frame in which we should see results from the treatment (worst case, 8-10 weeks from initial treatment).
 - Frank Oles noted the dead weeds can be raked from the lake 14 days post treatment and the lake water can be utilized for lawn irrigation at that time as well. But, lake water should not be used for ornamentals and specifically tomatoes watering for 120 days.

- Steve noted it is safe (14 days post treatment) to utilize lake water on the ornamentals based on the chemical used, cautioning utilization for grape vines.
- Dave clarified the loon area was treated 5 days later than the rest of the lake because the treatment boat could not get into that area so an air boat was utilized.
 - Group asked for clarification of how the shoreline was/was not treated. Dave asked Tim to contact Bre for the answer. Tim stated it's difficult to treat the shoreline because of liability of getting the chemical on boats and docks, and was not sure if our shorelines were treated. Ralph stated he asked Bre about the shoreline and she stated if they couldn't get it with the boat (variable spreaders), it might need to be treated by hand (evaluated after first treatment) and he also noted she stated treating around docks and boats is prohibited due to lawsuits. Many stated they would sign releases in order for their shorelines to be treated.
 - Dave read a portion of Roberts Rules of Order regarding recognition of speakers. During the last meeting, several people were speaking over each other causing difficulty in hearing and taking of minutes. Board members must be recognized to speak and will be recognized by the raising of hands. Discussion is to be directed to the Board, not to the audience.

Committee Reports:

Tim O'Neal / Lake Treatment Committee:

- Regarding lake treatment, Tim read the following - "On the morning of June 9th, committee members Tim O'Neal and Frank Oles performed an unscheduled lake survey to try and evaluate the effectiveness of our first treatment for variable leaf milfoil. To be point blank about what we observed, our lake is a real mess! But that is a good thing because we saw that there were signs of decomposition in almost all the major weed beds. It is my belief that this is a process we will have to endure to regain control of the VLM infestation of our lake. This is a situation that is not going to be solved in one treatment and most likely will take most of the summer. We must as association members and Board members are patient with this process and let Professional Lake Management do their job. We did not pick this company by random selection. There was extensive research done before this company was selected to treat our lake. We checked the company references and also reviewed their background information. PLM is a highly regarded and respected company. From an Association point of view, we will continue to monitor the treatment and try to keep our membership up to date on the progress and its' effectiveness. To outline the process and make it a little more understandable, it should go as follows: Treatment takes place, 10-20 days die off and decomposition, some matter will float to the surface but most will sink to the bottom and decompose."
- Regarding the dam, Tim stated it must be inspected this year. We have received quotes from 3 alternative engineering firms ranging from \$1000 - \$1600. Our last inspection was from Leon Cook, his price is \$700. Tim motioned, Cory seconded to hire Leon Cook to inspect the dam, motion carried 9 Yes, 0 No.
- Regarding Protocol for Watershed & Lake improvement committee, Tim read the following - "If a resident has concerns about lake treatment, they shall report to their area rep. The area rep then reports to the committee chairman. The committee chairman will then investigate any concern and contact PLM if it is necessary. This protocol was established by this board and agreed upon by all board members. The protocol was not followed. On June 4th a board member contacted PLM and scheduled a meeting at the public boat launch. I as committee chairman was also scheduled to meet with PLM at the public boat launch to discuss possible treatment of an area that was not treated due to shallow water. PLM arrived at the launch with an air boat to investigate our concerns. PLM then proceeded to the NW bay and discovered that an area 3 acres in size was not treated because of shallow water and indeed could not be navigated by a conventional boat and motor. PLM then treated the area and was motioned to come to a board members dock. Conversations took place and PLM was asked to treat their

shoreline area and in and around their dock. PLM complied with the board members request and treatment took place. This is a direct result of not following committee protocol and it is my opinion "preferential treatment". At this time I would like to refer this matter back to the board chair for possible further discussion." Dave asked if there was an invoice submitted for the additional treatment and whose name was on the invoice. Tim stated it was \$100, requested by Ralph Greenfield. Dave asked Cory for a motion to make Ralph Greenfield solely responsible for the \$100 charge, Cory so motioned, Tim seconded. Dave asked for a roll call vote:

- Dave Southfield - Yes, Cory Gingery - Yes, Chris Butche - Yes, Steve Cohoon - No, Dick Haynack - Yes, Tim O'Neal - Yes, Frank Oles - Yes, Bob Chamberlain - Yes, Ralph Greenfield - No. Motion passed.

Dave stated on June 4th he was informed on our communication protocol being violated. The Board agreed to the protocol to minimize communication to our suppliers which has been a problem in the past. In order to send a message to the Association membership that this conduct cannot be tolerated, Dave asked for a motion to publicly reprimand Ralph for violating protocol, asking for additional treatment. Public reprimand is aimed at reform and prevention of future actions. Cory motioned and Tim seconded to publicly reprimand board member Greenfield for his actions. Dave asked for discussion:

Dick - As long as a member gets approval from the chair of the committee, signs the appropriate releases and is willing to pay for the additional treatment, it should be OK.

Steve - Ralph had expectation that the lake would be treated up to his shoreline, by directing the treatment to the shoreline, he got what he deserved, not responsible for the additional charge.

Bob - Wasn't aware of a protocol, not supportive of sanctioning a member for this violation.

Karen Wittich - Company should also be accountable to work with in the contract/
Ralph - Wasn't aware of a protocol, nor any additional charge. Ralph observed the 1st application which was 15-20 feet from the dock. His assumption, based on a PLM documented survey, was the shoreline would be sprayed, which it wasn't. Ralph noted he contacted Dave to report the issue and there was no discussion of additional treatments to spray the shoreline. Dave told Ralph Bre would fix the situation the following Monday. Ralph met Cory and Tim at the boat dock and no mention was made of the additional invoice. Bre showed the group a GPS maps showing the treatment boat route, including back of loon area. Ralph took exception to this map as he watched the application and the boat did not go in that area. Based on this discussion, Ralph protested the sanction and stated all membership has the expectation their shorelines will be treated. Ralph noted as a member of the Water Quality Committee and an Area Rep, he has the right to participate in the treatment meetings. Ralph also asked for a copy of the written protocol. He also asked why he was being singled out - others in that area got similar treatment. He stated he did not get special treatment and doesn't deserve to get singled out. Ralph also stated PLM did not properly manage the initial treatments, Bre had committed to participate in the applications, she was not there.

Frank - Asked if the discussion at the boat dock was prior to this 2nd application. Ralph stated it was and again, all he was asking was for PLM to follow their committed route. Franks noted we had just won a lawsuit where a lack of knowledge of the covenants was not a reason to not comply; this concept (letter of the law) applies to the issue of knowledge of protocol. He also stated if Ralph had prior discussion, we would not be having this discussion now. We must also consider this issue also deals with the appropriate use of public funds.

Dave - Asked Ralph if, when he requested treatment of his shoreline and under his dock, did he requested the same for his neighbors. Ralph stated he did not request that treatment and only asked that the area "back there" was treated.

Tim - Stated on the 1st treatment, the back area of the NW bay was not treated because of boat restrictions. But, that area was treated on the 2nd treatment. Ralph agreed.
Len Wittich - Stated the discussion with Ralph was a waste of time. The Board collected \$100 / resident and wasn't organized enough to know if the dock/shoreline areas were getting treated. The Board should stop arguing and get with PLM to get the issues resolved.

Board voted on motion to sanction Ralph: Dave Southfield - No, Cory Gingery - No, Chris Butche - No, Steve Cohoon - No, Dick Haynack - No, Tim O'Neal, - No, Frank Oles - No, Bob Chamberlain - No, Ralph Greenfield - No. Motion did not pass, 9 No, 0 Yes.

Dave asked for a motion to resend the earlier motion to invoice Ralph for an additional treatment. Dave Southfield - Yes, Cory Gingery - Yes, Chris Butche - Yes, Steve Cohoon - Yes, Dick Haynack - Yes, Tim O'Neal - No, Frank Oles - No, Bob Chamberlain - Yes, Ralph Greenfield - Yes. Motion passed, 7 Yes, 2 No.

Grant Township Over Site Committee/ Frank Oles:

Frank reiterated Grant Township provided \$5000 to treat the 10 acres of lake directly adjacent to the boat launch area. Because of this, Grant Township has asked for a report on how their money is being spent, this report has not been finalized, pending information gained at this meeting.

Area Reports:

Tim O'Neal: Has a building proposal but doesn't require Board approval in that it is just a replacement roof.

Frank Oles: Reviewed a proposal from the Newberry's for a garage construction. Frank sees no reason not to approve in that it meets all covenant requirements.

Bob Chamberlain: Had two questions regarding weed treatment - 1) why weren't shorelines treated 2) what happens when the weeds die. Dave stated Tim was to get these answers from Bre, although Steve said the weeds should just drop and after a week, these could be raked. Frank stated the top could be raked after 14 days per PLM. Ralph questioned if raking will propagate the spread of weeds. Bob also stated a lot in his area just went up for sale with only a garage on it, members are concerned what will happen. Steve stated that during the lawsuit, the judge heard this might happen but there was nothing that could be done.

Dick Haynak: Nothing to report.

Ralph Greenfield: Harper, Burns, Cort and Marresse families want to thank the Board for the weed treatment in the back of the NW bay.

Other Business:

PLM payment: Tim motioned and Dick seconded to pay the PLM invoices. Discussion:

Dave - Asked if we should delay treatment until we get some of our questions answered and a copy of the treatment map. Tim said he has the GPS maps to show the path the treatment boat traveled.

Tim - Stated we, as a Board, unanimously agreed to bring PLM in to treat our lake and now we have a Board who is trying to micro manage PLM and a membership who doesn't trust PLM because of the Board's actions. At this time, we're not giving the company a chance, which is wrong. We should have seen the results of the treatment without starting the micro-manage and finger pointing.

Dick - We should support Tim and let him do his job as Lake Treatment Committee Chair.

Frank - Stated he saw and documented the initial PLM treatment of the lake and would testify that PLM treated all the areas they outlined.

Ralph - Stated we just need to confirm we got what we paid for and supported Daves request for the treatment map.

Steve - Stated we have about \$30,000 budget to spend and this is not the right time to withhold payment. We must improve our communication and watch the status of the lake.

Audience - Questioned if this is an open ended contract or can we stop the contract if not satisfied, Steve stated we can stop the contract in 60 days. Reiterated the lack of understanding regarding the treatment of the shoreline. Stated copies of the treatment map should be included in the invoice. One member complimented the Board on the job they are doing, said we must give this company a chance, and stated having participated in many meetings; he understood the protocol of the weed committee. After watching some application, noted the applicator was having difficulty handling the equipment and some of his boat as hit by the chemical, and did not hurt the boat. Simplify the process by not constraining the application to the shoreline/docks.

Adjournment: Southworth asked for a motion to adjourn, Dick Haynak motioned and Bob Chamberlain seconded. Motion passed – meeting adjourned at 8:45pm.
Submitted by Chris Butche, Secretary